

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X Our File No. 12822DZKNK

In the Matter of the Claims of KARA and  
KRISTA TESORIERO, infants by their father  
MICHAEL TESORIERO and their mother,  
LAURENE TESORIERO, as parents and  
Guardians of the infants and in their individual  
Capacities,

Claimants,

- against -

SYOSSET CENTRAL SCHOOL DISTRICT  
and THOMAS CASEY,

**RESPONSE TO PLAINTIFFS'  
FIRST REQUEST FOR THE  
PRODUCTION OF DOCUMENTS  
TO DEFENDANT SYOSSET  
CENTRAL SCHOOL DISTRICT**

Civil case no.: 02-CV-4348

Defendants.

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**1. Copies of any and all agreements and contracts entered into  
between defendant Casey and the School District.**

1. Mr. Casey is subject to a union contract between the  
school and the union. There was no individual contract as it  
pertains to Mr. Casey and Syosset Central School District.

**2. A copy of Thomas Casey's complete personnel file.**

2. We have in our possession a copy of Mr. Casey's complete  
personnel file, but at this time we are waiting for an  
authorization from Mr. Casey or a letter of consent from his  
attorney before we will release these documents.

**3. All documents, correspondence, memoranda, and notes  
memorializing all complaints, comments, and critiques of  
whatever nature about Thomas Casey's performance of his duties,  
relationships with students and conduct as a teacher.**

3. This request is overly broad, unduly burdensome and  
irrelevant to this matter.

**4. Any and all documents memorializing disciplinary action taken  
by the School District against Thomas Casey.**

4. This request is overly broad and unduly burdensome and  
irrelevant to this matter.

**5. All documents, correspondence, memoranda, and notes prepared by defendant in connection with plaintiffs' Notice of Claim.**

5. The documents that your requested are privilege, since they are done in preparation of future litigation.

**6. All documents, correspondence, memoranda, and notes which identify all individuals associated with the School District who have relevant information in connection with this action.**

6. This request is overly broad and unduly burdensome, you have previously been provided with a list of witness's in our first Federal Rule 26A Disclosure.

**7. All documents, correspondence, memoranda, and notes which relate to how plaintiffs' damages were "sustained" through the "culpable conduct of the plaintiff, including contributory negligence or assumption of risk" as alleged in paragraph 17 of the School District's answer.**

7. Defendant Syosset Central School District reserves the right to rely upon any documents exchanged in the continuing course of discovery to establish this defense.

**8. All documents, correspondence, memoranda, and notes which corroborate any action taken by the School District in connection with plaintiff's Notice of Claim.**

8. This is done in preparation of litigation and is therefore privileged.

**9. All documents, notes, correspondence and memoranda prepared by defendant, its officers or agents in connection with plaintiffs' Notice of Claim.**

9. These documents are done in preparation of litigation and are therefore privileged.

**10. All documents, notes, memoranda, reports and records prepared by defendant, its officers or agents in connection with any disciplinary action against defendant Casey from the time of his employment with the School District to the present.**

10. This request is overly broad and unduly burdensome and irrelevant to this matter. The documents that you are requesting, Mr. Casey's employment file, will only be forwarded

to your office upon receipt of an authorization or a letter of consent from Mr. Casey's attorney.

11. Copies of all documents which identify any individuals known by the School District to have knowledge in connection with any disciplinary action against defendant Casey from the time of his employment with the School District to the present.

11. This request is overly broad and unduly burdensome and irrelevant to this matter.

12. All documents, notes, memoranda, reports and records prepared by defendant, its officers or agents in connection with any sexual harassment or sexual discrimination claims against defendant Casey from the time of his employment with the School District to the present.

12. Any documents related to Mr. Casey's employment will only be released with an authorization signed by Mr. Casey or a letter of express consent from Mr. Casey's counsel.

13. All documents which identify any individuals known by the School District to have knowledge in connection with any sexual harassment or sexual discrimination claims against defendant Casey from the time of his employment with the School District to the present.

13. This request is overly broad and unduly burdensome and irrelevant to this matter.

14. All documents, notes, memoranda, reports and records within the possession, custody or control of the School District, its officers or agents in connection with any sexual harassment claim, sexual discrimination claim or disciplinary action against defendant Casey from the time of his employment with the School District to the present.

14. This request is overly broad and unduly burdensome and irrelevant to this matter as well.

15. All documents, correspondence, memoranda, notes and minutes in connection with any School District meetings concerning this action, the Notice of Claim in this action and the Complaint in this action.

15. The documents that you requested herein are privileged and therefore nondiscoverable.

**16. Copies of the academic records for plaintiff Kara Tesoriero.**

16. These documents are enclosed.

**17. Copies of the academic records for plaintiff Krista Tesoriero.**

17. These documents are enclosed.

**18. Copies of any disciplinary records for Kara Tesoriero.**

18. These documents are enclosed.

**19. Copies of any disciplinary records for Krista Tesoriero.**

19. These documents are enclosed.

**20. All documents, correspondence, memoranda and notes pertaining to Kara Tesoriero, including, but not limited to, anecdotal records for the period from January 1998 to the present.**

20. The documents are also enclosed.

**21. All documents, correspondence, memoranda and notes pertaining to Krista Tesoriero, including, but not limited to, anecdotal records for the period from January 1998 to the present.**

21. The documents are also enclosed.

**22. A copy of the defendant Casey's job requirements and duties as a teacher employed by the School District.**

22. There is no such document since the job description of each teacher constantly changes with each year that they have been a teacher.

**23. Copies of any and all documents and memoranda which describe the School District's rules, regulations, procedures and policies, with respect to student/teacher relationships.**

23. Enclosed you will find a copy of the school handbook as well as a pamphlet provided by the school for the students on helping to stop sexual harassment in school.

Dated: Jericho, New York  
September 5, 2003

By: 

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